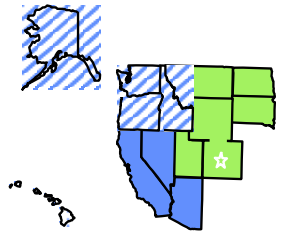




**US Army Environmental Center
Western Regional Environmental Office
REGION 8 – MAY 2006**

WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations.

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WREO Information About Monthly Reviews

The monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0952, or fax: (303) 844-0951.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

TRANSITION TO NEW OR REVISED PARTICULATE MATTER (PM) NATIONAL AMBIENT AIR QUALITY STANDARDS – The United States Environmental Protection Agency (EPA) has extended the comment period ([71 FR 15098](#)) for the proposed "Transition to New or Revised Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS)." Comments are due July 10, 2006. For more information, contact Larry Webber, United States Army Environmental Center (USAEC), at (410) 436-1213.

PM 2.5 DE MINIMIS EMISSION LEVELS FOR GENERAL CONFORMITY APPLICABILITY – The EPA has amended the "general conformity" regulations, by adding de minimis emissions levels for PM 2.5 ([71 FR 17003](#)). The EPA is establishing 100 tons per year as the de minimis emission level for direct PM 2.5 and each of its precursors. Barring any adverse comments, the rule amendments become effective on June 5, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES – The EPA has proposed controls on gasoline, passenger vehicles, and portable gasoline containers that would significantly reduce emissions of benzene and other hazardous air pollutants ([71 FR 15803](#)). Comments are due by May 30, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) GENERAL PROVISIONS – The EPA is promulgating amendments to certain aspects of startup, shutdown, and malfunction requirements affecting sources subject to the NESHAP General Provisions published on May 30, 2003 ([71 FR 20445](#)). The final rule became effective on April 20, 2006. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

NATIONAL EMISSION STANDARDS FOR GASOLINE DISTRIBUTION FACILITIES – The EPA has decided not to revise the National Emission Standards for gasoline distribution facilities ([71 FR 17352](#)). The final decision and final rule amendment became effective on April 6, 2006. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

WATER INFORMATION:

COMPENSATORY MITIGATION FOR LOSSES OF AQUATIC RESOURCES – The EPA and the United States Army Corps of Engineers are proposing a new rule to ensure more effective wetlands restoration and preservation nationwide ([71 FR 15519](#)). The rule proposes improved science and results-oriented standards to increase the quality and effectiveness of wetlands

conservation practices. Comments are due May 30, 2006. For more information, contact Misha Turner, USAEC, at (410) 436-1203.

WASTE INFORMATION:

RESOURCE CONSERVATION AND RECOVERY ACT BURDEN REDUCTION INITIATIVE –

The EPA has released changes to the regulatory requirements of the Resource Conservation and Recovery Act (RCRA) hazardous waste program to reduce the paperwork burden these requirements impose on the states, EPA, and the regulated community ([71 FR 16861](#)). The final rule was effective May 4, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

MODIFICATION OF THE HAZARDOUS WASTE MANIFEST SYSTEM – The EPA announced the availability of additional information on the electronic manifest project ([71 FR 19842](#)). The EPA will consider any new data from public comments received on this notice in making a final decision on whether to develop a national electronic manifest system. Comments must be received on or before June 19, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

OTHER INFORMATION:

CONSIDERATIONS FOR DEVELOPING ALTERNATIVE HEALTH RISK ASSESSMENT

APPROACHES FOR ADDRESSING MULTIPLE CHEMICALS – The EPA has announced ([71 FR 16306](#)) an external review of the draft document, "Considerations for Developing Alternative Health Risk Assessment Approaches for Addressing Multiple Chemicals, Exposures and Effects" (EPA/600/R-06/013A). Comments are due by May 15, 2006. The document is available at <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=149983>.

LEAD RENOVATION, REPAIR, AND PAINTING PROGRAM – The EPA announced a 45-day extension of the comment period for the Renovation, Repair, and Painting Program proposed rule ([71 FR 17409](#)). The comment period is extended to May 25, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

PCB SITE REVITALIZATION GUIDANCE UNDER TSCA – The EPA has released the guidance document, "Polychlorinated Biphenyl (PCB) Site Revitalization Guidance Under the Toxic Substances Control Act (TSCA)." This guidance document will assist individuals in navigating the TSCA regulations for relevant PCB cleanup and disposal requirements. For more information, contact Mike Eck, USAEC, at (410) 436-7068. The guidance is available at <http://www.epa.gov/pcb/pubs/pcbrevitalguid3-06.pdf>.

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OTHER FEDERAL INFORMATION

REMOVING THE WESTERN GREAT LAKES DISTINCT POPULATION SEGMENT OF THE GRAY WOLF FROM THE LIST OF ENDANGERED AND THREATENED WILDLIFE – The United States Fish and Wildlife Service (USFWS) was proposing to establish the Western Great Lakes of the gray wolf ([71 FR 15265](#)) as a distinct population segment (WGL DPS). This DPS includes all of Minnesota, Wisconsin, and Michigan; the eastern half of North Dakota and South Dakota; the northern half of Iowa; the northern portions of Illinois and Iowa; and the northwestern portion of Ohio. The USFWS now proposes to remove the WGL DPS from the List of Endangered and Threatened Wildlife. Available data indicate that this DPS no longer meets the definitions of threatened or endangered under the Endangered Species Act. Comments are due June 26, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

NOTICE OF AVAILABILITY OF GENETICS DATA AND EXTENSION OF COMMENT PERIOD FOR THE PROPOSED DELISTING OF THE PREBLE'S MEADOW JUMPING MOUSE – The USFWS announce the availability of two recently published reports and the underlying data which present additional analysis data regarding the Preble's meadow jumping mouse ([71 FR 16090](#)). Comments are due May 18, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
EPA Training Courses	Multiple Dates	Multiple Sites	The EPA continually offers regional and national training opportunities on a variety of subjects. www.trainex.org
US Army Environmental Training Symposium	May 7-12, 2006	St. Louis, MO	This free training will provide attendees the opportunity to gather and receive instruction from government and industry experts on environmental, conservation, and resource protection issues facing the Army. http://www.armysymposiumregistration.com/
National Environmental Partnership Summit	May 8-11, 2006	Atlanta, GA	The theme for the summit is "Stewardship in Action". Join environmental leaders in examining partnering, science and systems-based approaches, multi-media and integrated strategies, and sustainability. www.environmentalsummit.org
22nd Annual Range and Training Land Symposium	May 9-11, 2006	Chesapeake, VA	The focus of the symposium is to identify key issues, disseminate information and provide face-to-face contact with subject matter experts with a direct bearing and effect on Installation and MACOM Live Fire Ranges, Training Land Managers and their staffs and recommend solutions for planning and execution. http://www.atsc.army.mil/ltd/
American Water Works Association Annual Conference	June 11-15, 2006	San Antonio, TX	Learn about all aspects of the water industry. http://www.awwa.org/ace06/
Natural Resources Compliance Course	June 20 -23, 2006	Colorado Springs, CO	This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. The course addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and interservice cooperation. For more information go to https://www.cecos.navy.mil/showcourse.cfm?CourseID=42 .
Air & Waste Management Association Annual Conference and Exhibition	June 20 -23, 2006	New Orleans, LA	The air quality and waste management challenges faced during earliest states of Hurricane Katrina recovery and the firsthand availability of the experts who dealt with those challenges throughout the Gulf Coast region affords conference attendees the unique opportunity for a program closely tied with A&WMA's mission. http://www.awma.org/ACE2006/
Community Involvement Conference & Training	June 27 – 30, 2006	Milwaukee, WI	This conference brings together public participation and community involvement professionals from EPA and its federal, state, tribal, and local partners. http://www.epa.gov/superfund/action/community/ciconference/2006/index.htm
Health Risk Communication Workshops	July 5-7, 2006 August 22-24, 2006	San Antonio, TX Colorado Springs, CO	The Risk Communication Training Program prepares defense agencies, uniformed services, and veteran services personnel to interact better with both internal and external audiences in sensitive and challenging situations related to encroachment, sustainability, environmental, and other topics. http://chppm-www.apgea.army.mil/risk
UXO/Countermine/Range Forum 2006	July 10 – 13, 2006	Las Vegas, NV	This conference assembles the best research to showcase cutting-edge technologies, ideas, programs and partnerships. The most difficult challenges in supporting the war fighter will be addressed in technical presentations, exhibits, speeches, and networking events. http://www.theforum2006.com/

EVENT	DATE	LOCATION	DETAILS
Historic Preservation Law and Section 106 Compliance Course	July 18 – 20, 2006	Langley, VA	This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. For more information, please visit https://www.cec.navy.mil/showcourse.cfm?CourseID=24 .
StormCon	July 24 – 27, 2006	Denver, CO	The fifth annual North American Surface Water Quality Conference and Exposition will offer sessions on best management practices and research designed to provide solutions to community surface water quality problems and compliance challenges. http://www.stormcon.com/sc.html
Integrated Training Area Management Workshop	August 7-10, 2006	Manhattan, KS	The theme for this year's Workshop is "Sustaining Army Training in the Nation's Heartland". https://srp.army.mil/ITAM/Workshop/UpcomingWorkshop.aspx?Areaid=5
Introduction to Cultural Resources Management	August 15 – 17, 2006	New London, CT	This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. For more information, please visit https://www.cec.navy.mil/showcourse.cfm?CourseID=25 .
Air Innovations Conference	September 6-8, 2006	Denver, CO	Sponsored by EPA and the Department of Energy, this conference provides the latest information on new and innovative technologies to achieve clean air goals. http://www.cleanairinfo.com/airinnovations/

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

IMPLEMENTATION OF THE CLEAN AIR MERCURY RULE – The Colorado Department of Public Health and Environment (CDPHE) is discussing the implementation of the Clean Air Mercury Rule (CAMR). It is anticipated that CDPHE will adopt the federal rule by reference almost in its entirety. The rule may be presented to the Air Quality Control Commission for final adoption in July 2006. For more information, contact Melanie Loyzim at (303) 692-3147. The CAMR Web site is available at <http://www.cdphe.state.co.us/ap/reg6.html>.

DEVELOPMENT OF A REGIONAL HAZE PLAN – The CDPHE is preparing a regional haze SIP revision pursuant to Section 308 of the Regional Haze Rule. Regulation 3, part G, released by the CDPHE On October 6, 2005, sets forth the process by which sources that are subject to Best Available Retrofit Technology (BART) must complete a determination of the Best Available Retrofit Technology applicable to that source. The proposed rule assumes that all BART-eligible sources are subject to BART, but allows individual sources the opportunity to demonstrate that they are neither eligible nor subject to BART. The revisions were approved on March 15, 2006. For more information, contact Kirsten King at (303) 692-3111. The Regional Haze homepage is available at <http://www.cdphe.state.co.us/ap/regionalhaze.html>.

REVISIONS TO AMBIENT AIR QUALITY STANDARDS REGULATIONS – The CDPHE is proposing to amend the emission budgets for carbon monoxide and PM10 contained in the ambient standards regulation. Additionally, revisions to the motor vehicle emissions inspection program are being considered. The ambient air quality standards revisions were adopted at the December 15, 2006 public hearing and took effect March 2, 2006. The inspection program was discussed again at a hearing held on April 20, 2006. For more information, contact Lisa Silva at (303) 692-3119.

http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F19036/AmbientPM10dec.05.doc.

WATER INFORMATION:

2006 305(B) REPORT – The Water Quality Control Commission (WQCC) adopted the 2006 305(b) report. The report provides the public with the status of all waterbodies in the state regardless of whether they do or do not meet applicable water quality standards. The report was approved on March 14, 2006. For more information, contact Diana Glaser at (303) 692-3469. The report is available at [http://www.cdphe.state.co.us/op/wqcc/2006_305\(b\).pdf](http://www.cdphe.state.co.us/op/wqcc/2006_305(b).pdf).

DEVELOPMENT OF TMDLS FOR CLEAR CREEK – The CDPHE is discussing the preparation of draft TMDLs for Clear Creek. The CDPHE is continuing to work with the Upper Clear Creek

Watershed Association to prepare the TMDLs. The Association has compiled the majority of the data required for the TMDL, but work on the TMDL development for Segnebt 2 and 13b are not anticipated to begin until fall 2006 with completion anticipated in late 2007. For more information, contact Eric Oppelt at (303) 692-3608.

REVISIONS TO THE ARKANSAS/RIO GRANDE BASIN WATER QUALITY STANDARDS –

The WQCC is discussing various water quality standards rulemakings that it may undertake in the Arkansas/Rio Grande Basin prior to the next scheduled triennial review in June 2007. Specifically, the WQCC is considering: a December 2006 hearing to consider existing temporary modifications in the Basins set to expire December 31, 2007; a January 2007 hearing to adopt new statewide temperature criteria to be implemented in the Arkansas/Rio Grande Basin during the June 2007 Basinwide Standards rulemaking; and a March 2007 hearing to implement revised ammonia criteria into the Basin Standards. The WQCC anticipates the first of these rulemakings to occur in late 2006. For more information, contact Diana Glaser at (303) 692-3469.

CONTROL AND DISPOSITION OF DRINKING WATER TREATMENT RESIDUALS CONTAINING TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIALS –

The CDPHE is proposing a guidance document on Drinking Water Treatment Residuals Containing Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM). The purpose of the guidance is to assist utilities and disposal contractors in developing best practices for the handling and disposal of TENORM generated in the treatment of drinking water. The CDPHE accepted comments through May 1, 2006. For more information, contact Steve Tarlton at (303) 692-3423. The TENORM Web site is available at <http://www.cdphe.state.co.us/wq/TENORM/tenorm.html>.

AMENDMENTS TO THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM –

The Colorado Water Conservation Board (WCB) has adopted amendments to the rules governing the Colorado Instream Flow and Natural Lake Level Program. The amendments allow the WCB to temporarily acquire water rights for instream flow use under certain conditions. The amendments will become effective 20 days after publication in the 2006 Colorado Register. For more information, contact Rod Kuharich at (303) 866-3534.

WASTE INFORMATION:

ADOPTION OF WASTE MOTOR VEHICLE TIRE HAULER REGULATIONS – The CDPHE is discussing the development of regulations addressing commercial transportation of waste motor vehicle tires and surety bonds for waste motor vehicle tire haulers. Stakeholder meetings will be held May 24 and June 27, 2006. The rule will be considered by the Board of Health in late summer or early fall 2006. For more information, contact Doug Ikenberry at (303) 692-3300. The draft regulatory texts are available at <http://www.cdphe.state.co.us/hm/tirehauler.htm>.

AMENDMENTS TO THE HAZARDOUS WASTE REGULATIONS – The Hazardous Waste Commission (HWC) adopted amendments to the hazardous waste regulations regarding requirements for used oil storage, contingency plans, transfer facilities, hazardous waste listing, and generator treatment and land disposal restrictions. The changes to the used oil storage requirements (Section 279.22) require that containers stored outdoors be kept closed during storage except when necessary to add or remove oil. The amendments to the transfer facility requirements (Section 263.12) add a requirement that the owner or operator of a transfer facility maintain documentation to verify compliance with the 10-day storage limit requirement (pursuant to section 263.12). The amendments to the hazardous waste listing requirements

(Section 261.31(a)) clarify the definition of "conversion coating." Lastly, the land disposal restriction requirements (Section 100.21) make the land disposal requirement consistent with that found in Section 268.7 that require a generator to maintain a copy of the waste analysis plan on site. The HWC also considered revisions to amend contingency plan requirements (Section 265.52) to require that plans also identify the applicable Local Emergency Planning Committee (LEPC) and that a copy of the contingency plan be provided to the LEPC. The amendment to Section 265.52 has been put on hold so that the HWC can solicit additional information from local emergency planning commissions. The HWC adopted these other amendments on March 21, 2006. They take effect on May 30, 2006. For more information, contact Randy Perila at (303) 692-3364. The final amended identification and listing requirements are available at

<http://www.cdphe.state.co.us/op/regs/hazwaste/10073261hazwasteidentificationlisting.pdf>.

REALIGNMENT OF ENVIRONMENTAL RESPONSIBILITIES AMONG ENVIRONMENTAL COMMISSIONS AND BOARD OF HEALTH

– The CDPHE is discussing the realignment of certain environmental responsibilities among the various environmental commissions and the State Board of Health. Any regulatory revisions necessary to complete the realignment would follow the completion of the legislative process. SB 171 would realign CDPHE responsibilities as follows: responsibility for the promulgation of drinking water standards whether they be pursuant to the Safe Drinking Water Act or state-specific, would be transferred from the Board of Health to the Water Quality Control Commission (WQCC); drinking water system and individual sewage disposal system standards would be vested with the WQCC; and the Solid and Hazardous Waste Commission would be created and assume responsibility for disposal site and facility certification as well as financial assurances. In all instances, the transfer of responsibility would be from the Board of Health to either the WQCC or the newly created Solid and Hazardous Waste Commission. SB 06-171 is currently pending in the State Legislature. Following its adoption, the CDPHE will undertake any necessary regulatory actions. No rulemaking will be necessary to give full effect to SB 171. For more information, contact Laurie Perila at (303) 692-3467. A draft of SB 06-171 is available at

http://www.leg.state.co.us/clics2006a/csl.nsf/fsbillcont3/49B7CBE8852D2CA287257100007DAC81?Open&file=171_ren.pdf.

AMENDMENTS TO THE HAZARDOUS WASTE PROGRAM FEES AND THE UNIFORM HAZARDOUS WASTE MANIFEST RULE

– The Hazardous Waste Commission is proposing to amend the hazardous waste program fees for fiscal year 2007. Additionally, updates to the Uniform Hazardous Waste Manifest Rule and the inclusion of hazardous nonwastewaters generated from the production of certain dyes, pigments, and food, drug and cosmetic colorants to the list of RCRA hazardous wastes from specific sources are included in the rulemaking. The HWC will hold a public hearing on May 16, 2006. For more information, contact Laurie Perila at (303) 692-3467. The statement of basis and purpose is available at

http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F14263/Typo%20corrections%20rulemaking.pdf.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 11, 2006 and will end on May 10, 2006. For information on the legislative session, link: <http://www.leg.state.co.us/>.

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air	HB 1113	Representative Anne McGihon (D)	Proposes to allow state air quality regulations and implementation plans, to be more stringent than federal law in preventing or reducing air pollution, consistent with the legislative declaration of the "Colorado Air Pollution Prevention and Control Act."	Second reading lost with amendments 2/3/06	1/13/06			
	HB 1177	Representative Anne McGihon (D)	Proposes to continue the asbestos control program in CDPHE until July 1, 2013.		1/23/06	2/21/06	3/10/06	Signed by Governor 3/27/06
	HB 1302	Representative Joe Stengel (R)	Proposes to eliminate the existing basic auto emissions program. Expands the Clean Screen Program.	Laid over 4/14/06	2/3/06			
	HB 1309	Representative Anne McGihon (D)	Proposes to allow state air quality regulations and implementation plans, to be more stringent than federal law in preventing or reducing air pollution, consistent with the legislative declaration of the Colorado Air Pollution Prevention and Control Act.	Sent to Governor 4/12/06	2/5/06	2/27/06	4/3/06	
	SB 58	Senator Ron May (R) Representative Mark Larson (R)	Proposes to change the requirement for periodic emissions inspections of light-duty diesel motor vehicles from once every 12 months to once every 24 months for vehicles of model year 2004 or newer.	Referred to House Appropriations Committee 3/23/06	1/12/06	3/20/06		

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Water	HB 1253	Representative James Sullivan (R)	Grants county board of commissioners authority to regulate water quality related issues, as is necessary to comply with rules promulgated by the WQCC.	Postponed indefinitely 2/14/06	1/31/06			
	HB 1337	Representative Dorothy Butcher (D)	Proposes to change the civil penalties for violation of water quality control provisions to not more than \$25,000 per violation per day.	Laid over in Senate Appropriations Committee 4/19/06	2/16/06	3/22/06		
	SB 34	Senator Lewis Entz (R) Representative Mary Hodge (D)	Proposes to specify that the Board of Directors of the Colorado Water Resources and Power Development Authority shall include one member who is experienced in public health issues related to water quality.		1/11/06	1/30/06	2/17/06	Signed by Governor 3/31/06
	SB 132	Representative Greg Brophy (R)	Proposes to extend the repeal date of the domestic wastewater treatment grant program to allow the state to enter into contracts with counties on behalf of unincorporated areas for construction of high priority domestic wastewater treatment projects.		1/27/06	2/20/06	3/10/06	Signed by Governor 3/31/06
	SB 179	Senator Jim Isgar (D)	Proposes to create the Water Supply Reserve Account in the Severance Tax Trust Fund.	Reported amended from House Agriculture, Livestock, and Natural Resources Committee 4/10/06	2/6/06	3/31/06		

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Waste	HB 1074	Representative Judy Solano (D) Senator Steve Johnson (R)	Proposes to extend the waste tire recycling fee. Proposes to require that the Advanced Technology Fund be used to finance research and development with regard to waste diversion and recycling strategies.		1/11/06	2/6/06	3/14/06	Signed by Governor 3/31/06
	HB 1303	Representative Tom Plant (D)	Proposes to create a county environmental hazard remediation fund within the state treasury.	Reported from House Finance Committee 4/6/06	2/2/06			
	SB 8	Senator Ron May (R) Representative John Pommer (D)	Proposes to require motor vehicles that weigh less than 10,000 pounds and transport hazardous waste materials to meet the minimum standards for commercial vehicles.	Referred to House Appropriations Committee 3/16/06	1/11/06	1/31/06		
Natural Resources	HB 1311	Representative Kathleen Curry (D)	Proposes to appropriate money from the Species Conservation Trust Fund for programs submitted by the Executive Director of the DNR that are designed to conserve native species that have been listed as threatened or endangered under state or federal law.	Introduced in Senate 4/19/06	2/5/06	4/17/06		
Land Use	HB 1025	Representative Morgan Carroll (D) Senator Bob Hagedorn (D)	Proposes to create concurrent legislative jurisdiction between the state of Colorado and the United States over specified real property within the Buckley Air Force Base. The bill would cede concurrent legislative jurisdiction over specified tracts within the Base.	Sent to Governor 3/20/06	1/11/06	1/23/06	3/14/06	

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	HB 1053	Representative John Pommer (D)	Proposes to allow each local government with a population greater than 10,000 to prepare, adopt and update a growth management master plan.	Postponed indefinitely 3/23/06	1/11/06	2/20/06		
	HB 1096	Representative Lynn Hefley (R)	Proposes to prohibit a district from having and exercising the power of eminent domain or dominant eminent domain unless certain conditions have been satisfied.	2 nd reading in House lost with amendments 4/19/06	1/13/06			
	HB 1099	Representative Cory Gardner (R)	Proposes to prohibit the state or any political subdivision from exercising the power of eminent domain except where the exercise of the power is for a public use as defined in the act.	Postponed indefinitely in House State, Veterans and Military Affairs Committee 3/14/06	1/13/06			
	HB 1208	Representative Kevin Lundberg (R)	Proposes to provide that, in any case in which private property has been taken by condemnation, the property owner will be awarded an additional and special amount of compensation for the violation of the property owner's private property rights and for any additional costs and damages incurred by the property owner resulting from the condemnation.	Postponed indefinitely 3/31/06	1/27/06			
	SB 154	Senator Ron May (R)	Proposes to cross-reference various statutory provisions pertaining to the power of eminent domain.		1/31/06	2/24/06	3/21/06	Signed by Governor 4/6/06

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	SB 169	Senator Lois Tochtrop (D)	Proposes to make changes to requirements of establishment and review of an urban renewal authority or the approval of an urban renewal plan.	Reported from Senate State, Veterans & Military Affairs Committee 4/17/06	1/30/06			
	HCR 1001	Representative Al White	Proposes to provide that private property will not be taken or damaged for public or private use without just compensation.	2 nd House reading passed with amendments 4/19/06	2/14/06			
Other	HB 1095	Representative Paul Weissmann (R) Senator Deanna Hanna (D)	Relates to preferences for the purchase of environmentally friendly products by government entities.	Sent to Governor 4/12/06	1/13/06	1/31/06	3/24/06	
	HB 1239	Representative Diane Hoppe (R)	Proposes to amend the sunset provision of the "Pesticide Applicators' Act."		1/31/06	2/20/06	3/16/06	Signed by Governor 3/31/06
	HB 1265	Representative K. Jerry Frangas (D) Senator Paula Sandoval (D)	Proposes additional requirements pertaining to lead based paint abatement		2/1/06	2/21/06	3/9/06	Signed by Governor 3/27/06
	HB 1274	Representative Mary Hodge (D)	Proposes to continue the regulation for pesticide applicators by the Commissioner of Agriculture until July 1, 2015.	Reported from Senate Appropriations Committee 4/19/06	2/2/06	3/14/06		

Category	Bill #	Bill Sponsor	Description	Current Status	Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	HB 1317	Representative Alice Madden (D)	Proposes to direct the Colorado Energy Research Institute and the Energy and Environmental Security Initiative at the University of Colorado to annually create a Colorado energy profile containing up-to-date statistical energy information relating to Colorado.	Reported from Senate State, Veterans and Military Affairs Committee 4/12/06	2/6/06	3/22/06		
	SB 3	Kester Rose	Proposes the use of biofuels in state buildings.		1/11/06	1/31/06	2/27/06	Signed by Governor 3/31/06
	SB 16	Senator Lewis Entz (R) Representative John Pommer (D)	Proposes to require the Executive Director of the Department of Personnel to establish a policy by January 1, 2007, requiring all state-owned diesel vehicles and equipment to use a fuel blend of 20% biodiesel and 80% petroleum diesel.		1/11/06	2/1/06	2/27/06	Signed by Governor 3/31/06
	SB 138	Senator Brandon Shaffer (D)	Proposes to address Interim Committee on Rural Economic Development Issues. Requires that all gasoline sold in Colorado contain a percentage of denatured ethanol by a certain date.	Re-referred to Appropriations Committee 4/18/06	1/27/06			
	HJR 1006	Madden Senator Brandon Shaffer (D)	Proposes to designate 25 January as Colorado Military and Veterans Appreciation Day.	Signed by President of the Senate 1/30/06	1/20/06	1/25/06	1/25/06	

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MONTANA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

MERCURY CONTROL PLAN FOR COAL-FIRED ELECTRIC GENERATING UNITS – The Montana Department of Environmental Quality (DEQ) is discussing the development of a mercury control plan for coal-fired electrical generating facilities. The request to initiate a rulemaking was approved on March 23, 2006. Final adoption is anticipated in November 2006. For more information, contact Debbie Skibicki at (406) 444-1472. The proposed revisions are available at http://deq.mt.gov/ber/2006_Agendas/Mar06/IIIB1ExecutiveSummary.pdf.

ANNUAL UPDATES TO THE AIR QUALITY REGULATIONS – The DEQ is proposing the adoption of updated federal rules into the state air pollution regulations. Specifically, the amendments would: exclude references to the Clean Air Mercury Rule (CAMR) in order to allow the state to proceed with its own separate rulemaking; repeal references to small municipal waste combustion units; and add a significance level and a net emissions increase level for hydrogen sulfide, to maintain consistency between federal regulations and the state rules. The Board of Environmental Review (BER) will hold a public hearing to accept public comment on the proposed regulations on May 11, 2006. Written comments are due May 18, 2006. For more information, contact Robert Habeck at (406) 444-7305.

PARTICIPATION IN SECTION 308 OF THE REGIONAL HAZE RULE – The DEQ is discussing Montana's participation in the federal Regional Haze Rule. Specifically, as a member of the Section 308 region, Montana is seeking to determine what control methods will be necessary for the State to make "reasonable progress" towards improving the worst 20% visibility days and protecting the best 20% visibility days for all Class I areas inside the state. The DEQ anticipates commencing the formal Best Available Retrofit Technology (BART) rulemaking no later than July 21, 2006. Stakeholder meetings are anticipated for May 16 and June 20, 2006. For more information, contact Robert Habeck at (406) 444-7305. The draft BART rule is available at http://deq.mt.gov/AirQuality/ARM_Permits/MARnoticeRegHazeBART-11-22-05.pdf.

ESTABLISHMENT OF A REGISTRATION SYSTEM FOR CERTAIN SOURCE CATEGORIES AND ADOPTION OF THE FEDERAL EXEMPTION FROM TITLE V PERMITTING – The DEQ is proposing the development of new rules for its air operating permit program. The proposed new rules would provide a system for the owner or operator of a facility to register with the DEQ in lieu of submitting a permit application and obtaining a permit. Additionally, the DEQ is considering the adoption of a federal exemption from Title V permitting for certain area sources. This proposal is contingent upon the promulgation of such a rule at the federal level. The Board of Environmental Review (BER) held a public hearing on March 23, 2006. Comments were due January 30, 2006. For more information, contact Charles Homer at (406) 444-5279.

AMENDMENTS TO THE PERMIT APPLICATION REVIEW PROCEDURES – The DEQ has adopted amendments that add a provision allowing the DEQ to extend the comment period on draft permits and the date of final permit decision issuance in certain situations by 15 days. The revisions were presented to the BER and were adopted on December 1, 2005. The final rules

are now pending publication in the Montana Administrative Register.
<http://www.deq.state.mt.us/dir/legal/Notices/17-228.pro.pdf>

WATER INFORMATION:

JUDITH RIVER TMDL – The DEQ is proposing a total maximum daily load (TMDL) for siltation and fish habitat degradation for the South Fork Judith River. The TMDL is not currently on a specific development schedule. Projected completion date is in 2008. For more information, contact Carol Mackin at (406) 444-7425.

2006 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies: Columbia Basin (Fisher, Lower Blackfoot, Bitterroot, Nevada Creek, and Lolo); Upper Missouri (Beaverhead, Jefferson, and Upper Boulder); Lower Missouri (Beaver, Marias-Willow Creek, Upper Milk, Upper-Middle Musselshell, Belt); and Yellowstone (Clarks Fork-Yellowstone, Stillwater-Columbus, Yellowstone-Sweetgrass, and Yellowstone-Lower Bighorn). The criteria pollutants for these TMDLs have not been determined yet. The TMDLs are anticipated to be completed in 2006. For more information, contact Robert Ray at (406) 444-5319.

2007 TMDLS – The DEQ is discussing developing TMDLs for the following water bodies: Columbia Basin (Clark Fork Drummond, Flint, Kootenai, Little Blackfoot, Lower Clark Fork, Middle Fork Clark Fork, Thompson, and Upper Clark Fork); Upper Missouri (Canyon Ferry, East Gallatin, Holter, Lower Red Rock, Lower Madison, Lower Gallatin, Lower Boulder, and Missouri Cascade); Lower Missouri (Landusky, Middle Milk and Tributaries, Big Otter, and Lower Milk-Rock); and Yellowstone (Lake Basin – Spidel, Lower Yellowstone, and Yellowstone-Rosebud). The criteria pollutants for these TMDLs have not been determined yet. The TMDLs are anticipated to be completed in 2007. For more information, contact Robert Ray at (406) 444-5319.

NINE MILE PLANNING AREA TMDL – The DEQ has prepared a water quality restoration plan and TMDL for the Nine Mile Planning Area. The TMDL is currently pending EPA review. For more information, contact Greg Mathieus at (460) 444-6697. The Draft plan and TMDL are available at <http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/Ninemile/PRDraftNinemile.pdf>.

BITTERROOT HEADWATERS TMDL – The DEQ is preparing a water quality assessment and TMDL for the Bitterroot headwaters. The TMDL was submitted to EPA for final approval on November 3, 2005. For more information, contact Greg Mathieus at (460) 444-6697.

BIG SPRING TMDL – The DEQ is proposing a TMDL for the Big Spring Creek watershed. The impairments being addressed include nutrients, sediment, and PCBs. The TMDL addresses the following creeks in the watershed: Big Spring Creek, Beaver Creek, Cottonwood Creek, and Casino Creek. The TMDL was approved by EPA on September 29, 2005. For more information, contact Pete Schade at (406) 444-6771.

WASTE INFORMATION:

INTEGRATED SOLID WASTE MANAGEMENT PLAN – The DEQ is preparing a draft Integrated Solid Waste Management Plan. The plan focuses on improving source reduction and increased recycling and composting. The BER adopted the updated plan at its meeting on March 23, 2006. For more information, contact Lori Hanka at (406) 841-5253. The draft document is available at <http://www.deq.state.mt.us/Recycle/IWMPFinaldraft.pdf>.

REVISIONS TO THE ASBESTOS REGULATIONS – The DEQ is proposing revisions to the asbestos regulations. The proposed regulations would: incorporate by reference the National Institute of Occupational Safety and Health (NIOSH) Manual of Analytical Methods and the Montana Asbestos Work Practices and Procedures Manual; add new Rule III defining relevant asbestos terms; add new Rule IV, Asbestos Project Requirements; add new Rule V, Inspection of Demolition and Renovation Activities; add new Rule VI, Asbestos Project Permits; add new Rule VII, Asbestos Project Control Measures; and add new Rule VIII, Clearing Asbestos Projects. The revisions will also include requirements for accreditation for asbestos-related occupations. Final rule adoption is anticipated for late spring 2006. For more information, contact Bob Martin at (406) 444-4194.

AMENDMENTS TO THE UNDERGROUND STORAGE TANK RULES – The DEQ is proposing to adopt amendments to the Underground Storage Tank (UST) regulations that would: amend the definitions section to incorporate language implementing the oil/water separator exemption; establish a definition of "significant noncompliance;" eliminate the operating tag requirements; provide a uniform compliance deadline for corrective action following a pre-permit issuance inspection; apply the same closure requirements to inactive and out of service tanks; and amend the financial responsibility requirements. The regulations were approved and filed with the Secretary of State on March 27, 2006. They took effect on April 7, 2006. For more information, contact Bob Martin at (406) 444-4194. The regulatory text is available at <http://deq.mt.gov/dir/legal/Notices/17-241pro.pdf>.

STANDARDIZED FORMATS FOR CORRECTIVE ACTION PLANS AND REPORTS FOR USE BY OWNERS AND OPERATORS OF PETROLEUM STORAGE TANK RELEASES – The DEQ is proposing to standardize formats for corrective action plans (CAPs) and reports to standardize initial site assessments, remedial investigations, remedial alternatives analyses, groundwater monitoring and abbreviated CAPs and reports. Based on the performance of the CAPs, the DEQ will set a timeline for finalization of the plans. For more information, contact Mr. Mike Trombetta at (406) 444-5977. The draft standards are available at <http://www.deq.state.mt.us/pubcom.asp>. The draft standardized CAPs are available at <http://www.deq.state.mt.us/LUST/TechGuidDocs/techguidlist>.

REVISIONS TO THE UNDERGROUND STORAGE TANK REGULATIONS – The DEQ has adopted revisions to the UST regulations that implement Montana H.B. 78 (2005) regarding the categorization of significance criteria for violations into "major", "moderate" or "minor." Additionally, the regulations address: corrective action timeframe(s); the removal of full compliance as an enforcement trigger; the elimination of mandatory enforcement; the amendment of several definitions; revisions to the inspection timeline; and revisions to the self-assurance requirements. The Board of Environmental Review (BER) approved the rules on March 9, 2006. The rules took effect on April 7, 2006. For more information, contact Ed Thamke (406) 444-6748.

OTHER INFORMATION:

REMOVAL OF PEREGRINE FALCON FROM STATE ENDANGERED SPECIES LIST – The Department of Fish, Wildlife, and Parks has removed the peregrine falcon from the state endangered species list because recovery goals for the species have been exceeded in Montana. The delisting was approved and submitted to the Secretary of State on November 14, 2005. The amendment took effect November 24, 2005. For more information, contact Arnold Dood at (406) 994-6433.

LEGISLATIVE DEVELOPMENTS

There is no 2006 regular legislative session. For information on the 2005 legislative session, link:
<http://www.leg.state.mt.us>.

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NORTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

IMPLEMENTATION OF THE CLEAN AIR MERCURY RULE – The North Dakota Department of Health (DOH) is discussing implementation of the federal Clean Air Mercury Rule. The DOH likely will adopt EPA's model rule and model allocation plan by reference. The proposed regulations were released in March 2006. Written comments will be accepted through May 15, 2006. A public hearing to discuss the amendments will be held on May 4, 2006. For more information, contact Tom Bachman at (701) 328-5188. The draft rules are available at [http://www.health.state.nd.us/AQ/Dockets/111\(d\)%20Plan%20for%20Hg.pdf](http://www.health.state.nd.us/AQ/Dockets/111(d)%20Plan%20for%20Hg.pdf).

WATER INFORMATION:

2006 INTEGRATED 303(D) AND 305(B) REPORT – The DOH is proposing the adopting of the 2006 Integrated 303(d) and 305(b) report. The DOH is currently responding to comments received and anticipates submitting the final report to EPA for approval in mid-April 2006. For more information, contact Jim Collins at (701) 328-5161. The draft report is available at [http://www.health.state.nd.us/WQ/sw/Z2_TMDL/TMDLs_Under_PublicComment/Draft%20North%20Dakota%202006%20Section%20303\(d\)%20List.pdf](http://www.health.state.nd.us/WQ/sw/Z2_TMDL/TMDLs_Under_PublicComment/Draft%20North%20Dakota%202006%20Section%20303(d)%20List.pdf).

AMENDMENTS TO THE STATE WATER QUALITY STANDARDS – The DOH is proposing to update the State Water Quality Standards. The proposed changes would revise: definitions; surface water classifications; numeric standards; waste discharge requirements; the maximum limits for substances in or characteristics of Class 1 streams; water quality criteria; and the state lake and reservoir classifications. The DOH will hold a public hearing on the proposed revisions on May 16, 2006. Written comments are due May 30, 2006. For more information, contact Michael Ell at (701) 328-5214. The proposed revisions are available at <http://ndhealth.gov/PublicComment/WQSProposedRuleChanges20060530.pdf>.

DRAFT TMDLS – The DOH is discussing TMDLs for several waterbodies. See the table below for the location, criteria pollutants, and comments regarding development. For more information, contact Michael Ell at (701) 328-5214.

Water Body	Criteria Pollutant	Comments
Cannonball River	Pathogens	The final comment period closed. http://www.health.state.nd.us/wq/sw/Z2_TMDL/TMDLs_Under_PublicComment/Cannonball_Bacteria_TMDL_Draft.pdf
Cheyenne River	Sedimentation and fecal coliform	The draft is complete, but its release for public comment has been delayed.
Pheasant Lake	Not determined	The TMDL has not been released.
Wild Rice River	Not determined	The TMDL has been placed on indefinite hold.
Maple River	Not determined	No further developments.

Dead Colt Creek	Nutrients and dissolved oxygen	The draft was released for public comment. The DOH is reviewing comments.
Indian Creek	Not determined	The DOH is continuing to collect data for the TMDL.
Bear Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Bone Hill Creek	Not determined	No schedule for release of draft TMDL has been proposed.
Northgate Dam	Nutrients, sediment, and dissolved oxygen	Comments were due April 8, 2006.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

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SOUTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

REGIONAL HAZE AND WESTERN REGIONAL AIR PARTNERSHIP – The South Dakota Department of Environment and Natural Resources (DENR) is discussing the regional haze issue and designing implementation guidelines. The Department is developing a regional haze SIP to protect its two Class 1 areas, Wind Cave and Badlands National Parks. The states in the Western Regional Air Partnership are in the process of developing a new 308 SIP template in response to recent litigation that invalidated the previous EPA method of calculating Best Available Retrofit Technology (BART). No timeline for development is currently available. For more information, contact Rick Boddicker at (605) 773-6706.

UPDATES TO THE STATE AIR POLLUTION CONTROL RULES TO INCORPORATE UPDATED FEDERAL RULES – The DENR is proposing to adopt changes made to the federal air quality regulations. Specifically, the proposal would update references regarding definitions, operating permits, New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAPS), performance testing, control of visible emissions, emissions monitoring systems and the acid rain program. Written comments were due April 18, 2006. For more information, contact Kyrik Rombough at (605) 773-3151. The proposed regulations are available at <http://www.state.sd.us/denr/DES/AirQuality/PublicNotices/DraftRules.pdf>.

WATER INFORMATION:

DRAFT TMDLS – The DENR is discussing TMDLs for several waterbodies. Please see the table below for the location, criteria pollutants, and comments regarding development. For more information, contact Gene Stueven at (605) 773-3296.

Water body	Basin	Criteria Pollutant	Comments
Rosette Lake	James River	Trophic state index (chlorophyll, phosphorus, and seci disk)	An assessment is currently underway.
Nine Mile Lake	Big Sioux River	Trophic state index	No schedule of development has been proposed.
Twin Lakes	James River	Trophic state index	There is no schedule for development.
Rahn Dam	Niobrara River	Trophic state index	The DENR is performing an assessment.
Sylvan Lake	Cheyenne River	Trophic state index	DPA approved the TMDL on September 1, 2005.

Water body	Basin	Criteria Pollutant	Comments
Legion Lake	Cheyenne River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
Center Lake	Cheyenne River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
Lake Waggoner	Bad River	Trophic state index	The DENR has initiated an assessment but does not have a schedule for development.
East Oakwood Lake	Big Sioux River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Thompson	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Preston	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Whitewood	Vermillion River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
School Lake	Big Sioux River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Grand River	Grand River	pH Temperature Total suspended solids Fecal coliform	The DENR has initiated its assessment for pH, total suspended solids and temperature for Shadehill Reservoir to the Corson County Line. The assessments for the North and South Forks have been initiated. The assessments for the River from the Corson County Line to the Mouth of the River have not been initiated.
Lake Norden	Big Sioux River	Trophic state index	Assessment initiated. No timeline for development has been proposed.
Lake Albert	Big Sioux River	Trophic state index	Assessment initiated. TMDL is of low priority.
Geddes Lake	Missouri River	Trophic state index	Currently conducting assessment.

Water body	Basin	Criteria Pollutant	Comments
Lake Andes	Missouri River	Trophic state index	The DENR has initiated the assessment. TMDL is of low priority.
Dante Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Academy Lake	Missouri River	Trophic state index	Assessment initiated. TMDL is of low priority.
Platte Lake	Missouri River	Trophic state index	Assessment initiated. No timeline for development has been proposed.

2006 INTEGRATED WATER QUALITY REPORT – The DENR is proposing the adoption of the 2006 Integrated Water Quality Report. The report is a compilation of two reports: the 305(b) Water Quality Report and the 303(d) List of Impaired Waters. The DENR submitted the report to EPA for final approval on April 1, 2006. For more information, contact Stacy Splittstoesser at (605) 773-3351. The draft report is available at <http://www.state.sd.us/denr/DraftIR2006.pdf>.

AMENDMENTS TO THE WATER QUALITY STANDARDS FOR THE VERMILLION RIVER BASIN – The DENR has revised the water quality standards for Long Creek, a tributary of the Vermillion River in Lincoln and Turner Counties. The revisions designate the beneficial use of semipermanent, warmwater fish life propagation waters and limited contact recreation waters; and warmwater marginal fish life propagation waters and limited contact recreation waters to two segments on Long Creek. The Water Management Board adopted the revisions at a public hearing on December 7, 2005. They took effect on February 1, 2006. For more information, contact Patrick Snyder at (605) 773-4729. The revised rules are available at <http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=74:51:03:25>.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 10, 2006 and ended March 20, 2006. For information on the legislative session, link: <http://legis.state.sd.us/index.cfm>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air								
Water								
Waste	HB 1016	House State Affairs Committee	Proposes to provide for the creation of a renewable electricity and recycled energy credit system by the Public Utilities Commission.		1/10/06	1/19/06	2/21/06	Signed by the Governor 2/28/06
	SB 41	Senate Transportation Committee	Proposes to require that a driver must be at least 21 years old if engaged in interstate commerce, or transporting hazardous material of a type or quantity requiring placarding or if the driver is operating a vehicle designed to transport more than fifteen passengers including the driver. The bill also proposes that any violation of the motor carrier safety requirements or the hazardous materials transportation regulations now be Class 2 misdemeanors and any violation of the hazardous materials regulations pertaining to packaging be a Class 1 misdemeanor.		1/10/06	1/18/06	2/2/06	Signed by Governor 2/10/06
	SB 43	Senate Transportation Committee	Proposes to update certain provisions for the storage of explosive materials.		1/10/06	1/20/06	2/3/06	Signed by Governor 2/10/06

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Natural Resources								
Land Use	HB 1080	Representative Larry Rhoden (R)	Proposes to prohibit counties, municipalities, or housing and redevelopment commissions to acquire private property by use of eminent domain for the transfer to any private person, nongovernmental entity, or other public or private business entity or for the enhancement of tax revenue.		1/18/06	1/25/06	2/14/06	Signed by the Governor 2/21/06
	HB 1201	Representative Margaret Gillespie (D) Senator Mike Broderick (R)	Proposes to require that persons who are seeking to acquire property that is subject to condemnation under the power of eminent domain must provide the landowner with a printed copy of the Summary of the Rights of Landowners in Condemnation Proceedings.		1/23/06			Bill did not pass

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UTAH

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

ADOPTION OF NEW SOURCE REVIEW REFORMS – The Utah Department of Environmental Quality (DEQ) is proposing to adopt amendments to the state New Source Review rules. The original rule lapsed. However, the DEQ has repropose the rules. Comments were due May 2, 2006. For more information, contact Jan Miller at (801) 536-4042. The proposed revisions are available at http://www.airquality.utah.gov/Permits/Report_NSR_Public_Comment.htm.

WATER INFORMATION:

None.

WASTE INFORMATION:

AMENDMENTS TO THE UNDERGROUND STORAGE TANK REGULATION DEFINITIONS – The DEQ is proposing to add a definition for the term "No Further Action determination" to the Underground Storage Tank (UST) regulations. The rule will be presented to the Solid and Hazardous Waste Control Board on May 11, 2006. For more information, contact Gary Astin at (801) 536-4103. The notice of the proposed rulemaking is available at <http://rules.utah.gov/publicat/bulletin/2006/20060301/28516.htm>.

REVISIONS TO THE SITE ASSESSMENT PROTOCOL – The DEQ is proposing to adopt amendments to the site assessment protocol for USTs. The revisions would change all references to "recommended cleanup levels" to "initial screening levels". The rule will be presented to the Solid and Hazardous Waste Control Board on May 11, 2006. For more information, contact Gary Astin at (801) 536-4103. The notice of the proposed rulemaking is available at <http://rules.utah.gov/publicat/bulletin/2006/20060301/28517.htm>.

ADOPTION OF FEDERAL MUNITIONS RULE – The DEQ is discussing the development of regulations to implement the Federal Munitions Rule. The DEQ is planning only to adopt those sections considered mandatory. The DEQ is currently waiting for the regional EPA office to complete an initial review of the rule. Following preliminary EPA approval, the DEQ will begin a formal rulemaking process. For more information, contact Susan Toronto at (801) 538-6776.

OTHER INFORMATION:

MERCURY WORK GROUP – The DEQ has convened a mercury work group to discuss the status of mercury in the state. The group's preliminary objectives are to provide the citizens of Utah with current, accurate and understandable information on the human and ecological concerns posed by mercury. Additional objectives are to develop an ongoing systematic, logical, and defensible mercury monitoring program to assess mercury levels in fish and waterfowl tissue; share technical information, data, and results of any investigations on mercury;

and provide the citizens of Utah with access to mercury data, advisories, and information via websites, printed materials, and contact information for public health officials. The Work Group will hold a public meeting on May 9, 2006. For more information, contact John Whitehead at (801) 538-6053. The Mercury Work Group Web site is available at http://www.deq.utah.gov/issues/Mercury/work_group.htm.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 16, 2006 and ended on March 1, 2006. For information on the legislative session, link: <http://www.le.state.ut.us/>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air	HB 259	Representative Aaron Tilton (R)	Proposes to modify the Air Conservation Act to allow a person to obtain a stay of an order if certain requirements are met.		1/16/06	2/21/06		Bill did not pass
Water	HB 38	Representative Ben Ferry (R)	Proposes to allow reuse of water by a public agency, including water for which water rights are not owned by the agency but a reuse authorization contract exists and establishes the process for approval of a water reuse project.		1/16/06	2/1/06	2/10/06	Signed by the Governor 3/15/06
	HB 228	Representative David Ure (R)	Proposes to authorize the State Engineer to create a groundwater management plan for any groundwater basin or aquifer and allow conjunctive management of hydrologically connected ground and surface water.		1/16/06	2/1/06	3/1/06	Signed by the Governor 3/15/06
	HB 47	Representative David Ure (R)	Requires that certain state sales and use tax revenues be transferred to the Water Resources Conservation and Development Fund and used by the Division of Water Resources for preconstruction costs for certain water projects. Defines "preconstruction costs."		1/16/06	1/31/06	2/28/06	Signed by Governor 3/13/06

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	HB 357	Representative David Ure (R)	Proposes to create the Water Issues Task Force consisting on five members of the Senate and eight members of the House.		2/2/06	2/13/06	2/28/06	Signed by Governor 3/13/06
	SB 39	Senator Lyle Hillyard (R)	Proposes to appropriate 25% of any General Fund surplus to the Water Conservation and Development Fund at the end of each fiscal year after other statutory requirements for distribution of the surplus have been met.		1/16/06			Bill did not pass
Waste	HB 271	Representative David Ure (R)	Proposes to require owners and operators of underground storage tanks that elect to participate in the Environmental Assurance Program to include all of their tanks in the Petroleum Storage Tank Trust Fund.		1/16/06	2/22/06	3/1/06	Signed by Governor 3/10/06
	SB 70	Senator Howard Stephenson (R)	Proposes to modify existing statutes governing the legislative and gubernatorial approval requirements for the disposal of certain commercial radioactive wastes, hazardous wastes, and nonhazardous solid wastes.	Failed override vote 3/1/06	1/19/06	2/1/06	2/15/06	Vetoed by Governor 2/28/06
	SB 209	Senator Dan Eastman (R) Representative Rebecca Lockhart (R)	Proposes to modify nonhazardous solid waste disposal fees and reduces the amount of waste disposal fees that are deposited into the General Fund.		2/9/06	2/22/06	3/1/06	Signed by Governor 3/17/06

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	SB 215	Senator Scott McCoy (D)	Proposes to define electronic waste as a system unit, cathode ray tube, flat panel screen, or other similar video display device with a screen size of greater than 4 inches measured diagonally. Prohibits the disposal of electronic waste after 2007.		2/8/06			Bill did not pass
Natural Resources	HB 139	Representative Bradley Johnson (R)	Proposes to modify survey and excavation permit requirements and modify comment requirements for state undertakings on historic property.		1/20/06	2/21/06	3/1/06	Signed by Governor 3/17/06
	SB 67	Senator Beverly Evans (R)	Proposes to create within the General Fund two restricted accounts consisting of grants and donations to be used to monitor and enforce compliance with conservation easements held by the Department of Natural Resources and the Department of Agriculture and Food respectively.		1/17/06	2/1/06	2/16/06	Signed by Governor 3/10/06
Land Use	HB 267	Representative Julie Fisher (R) Senator Charlene Walker (R)	Proposes to modify the definition of affected entity. Expands requirements imposed on counties and municipalities with respect to notice and information to be provided to applicants submitting a land use application.		2/7/06	2/22/06	2/27/06	Signed by Governor 3/17/06
	HB 268	Representative Steven R. Mascaro (R)	Proposes to move the Office of the Property Rights Ombudsman to the Department of Commerce.		2/8/06	2/22/06	2/27/06	Signed by Governor 3/1/06

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	HB 275	Representative David Ure (R)	Proposes to require the court to award court costs and a reasonable attorney's fee to a property owner if the court award of compensation and damages exceeds the plaintiff's highest offer by more than ten percent in eminent domain cases.		1/18/06			Bill did not pass
	SB 117	Senator Howard Stephenson (R)	Proposes to require the taking of property by a county, city, or town to be approved by the legislative body of that county, city, or town.		1/16/06	2/2/06	2/16/06	Signed by Governor 3/21/06
	SB 170	Senator Alma Mansell (R)	Proposes to prohibit counties and municipalities from imposing stricter land use requirements or higher land use standards than are required under statute.		1/25/06			Bill did not pass
	SB 267S	Senator Alma Mansell (R)	Proposes to modify the definition of affected entity. Expands requirements imposed on counties and municipalities with respect to notice and information to be provided to applicants submitting a land use application.		2/7/06	2/22/06	2/27/06	Signed by Governor 3/17/06

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Other	HB 43	Representative Jeff Alexander (R)	Proposes to reauthorize programs that would otherwise sunset before the 2007 Annual General Session. Programs include: Air Conservation Act; Water Quality Act; Underground Storage Tank Act; Solid and Hazardous Waste Act; Hazardous Substances Mitigation Act; Used Oil Management Act; and Waste Tire Recycling Act.		1/16/06	1/17/06	2/3/06	Signed by Governor 3/10/06
	HB 46 HB 46S	Representative Roger Barrus (R)	Proposes to create the cabinet-level position of State Energy Officer and declare the state's energy policy.		1/16/06	2/1/06	2/20/06	Signed by Governor 3/15/06
	HB 93	Representative James Gowans (D)	Proposes to change the name of the Clean Fuels Vehicle Fund to the Clean Fuels and Vehicle Technology Fund. Expands the items for which loans or grants from the fund may be given.		1/11/06	2/17/06	2/28/06	Signed by Governor 3/14/06
	HB 100	Representative A. Tilton (R) Senator Curtis Bramble (R)	Proposes to require entities that do business in the state to file a bond with the Division of Corporations and Commercial Code when it begins environmental litigation.		1/12/06	2/14/06	3/1/06	Governor vetoed 3/21/06

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	HB 138S	Representative Rhonda Menlove (R) Senator Peter Knudson (R)	Substitute bill proposes vehicles sold in Utah to submit a plan for the removal and collection of mercury switches and pay for the costs of removing and collecting mercury switches.		1/20/06	2/16/06	2/28/06	Signed by Governor 3/15/06
	SB 153	Senator Lyle Hillyard (R)	Proposes to enact the Uniform Environmental Covenants Act.		1/18/06	2/6/06	2/15/06	Signed by Governor 3/10/06

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WYOMING

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

ADOPTION OF FEDERAL AIR REGULATIONS PUBLISHED JULY 2004 – The Wyoming Department of Environmental Quality (DEQ) has adopted updates to the federal air standards published through July 1, 2004. The amendments include: abnormal conditions and equipment malfunctions; ambient emission standards for volatile organic compounds; New Source Performance Standards (NSPS); National Emission Standards for Hazardous Air Pollutants (NESHAP); and the national acid rain program. The rules were filed with the Secretary of State on January 30, 2006 and were effective the same day. For more information, contact Tina Anderson at (307) 673-9337. The provisions are available at <http://deq.state.wy.us/aqd/proposedrules.asp>.

WATER INFORMATION:

AMENDMENTS TO CROSS CONNECTION AND BACKFLOW PREVENTION RULES FOR PUBLIC WATER SUPPLY DISTRIBUTION SYSTEMS – The DEQ is proposing to amend cross connection and backflow prevention rules for public water supply distribution systems. The amendments would allow residential and domestic non-residential service connections to be exempted from the requirement to install backflow devices to provide premises containment if certain conditions are met. The amendments will be considered at a meeting to be held on May 11, 2006. Comments were due May 1, 2006. For more information, contact Lou Harmon at (307) 777-7088. The rulemaking Web site is available at <http://deq.state.wy.us/wqd/www/crossconnection.asp>.

AMENDMENTS TO THE WYOMING SURFACE WATER STANDARDS – The DEQ is making amendments to its water quality standards as part of the State's triennial review. The amendments include specific changes to drinking water, aquatic life, and agricultural water supply criteria. Comments on the proposed revisions to agricultural water supply were due May 5, 2006. All other revisions have been approved by the Water Quality Advisory Board (WQAB). Submittal of the entire water quality standards revision package to the Environmental Quality Council (EQC) is expected by mid-2006. For more information, contact Mr. Bill DiRienzo at (307) 777-7081. The draft revisions are available at http://deq.state.wy.us/wqd/watershed/surfacestandards/Downloads/Triennial/Chap_1_3rd.pdf and http://deq.state.wy.us/wqd/events/AG_policy/AG_POLICY_4TH_DRAFT.pdf.

AMENDMENTS TO WYOMING WATER QUALITY REGULATIONS, FUEL AND HAZARDOUS SUBSTANCES STORAGE TANKS AND ABOVE GROUND STORAGE TANKS

- The DEQ has adopted amendments to the Water Quality Rules, pertaining to fuel and hazardous substances storage tanks and above ground storage tanks used by fuel dealers to dispense gasoline or diesel to the public. The amendments update the requirements for underground tanks, reorganize the chapter and add new regulations on regulated above ground storage tanks. The EQC adopted the amendments on September 14, 2005. The regulations

took effect on December 1, 2005. For more information, contact Robert Lucht at (307) 777-7095. The final rules are available at <http://soswy.state.wy.us/RULES/6074.pdf>.

2005 REVIEW OF COLORADO RIVER BASIN WATER QUALITY STANDARDS – The Colorado River Basin Salinity Control Forum has released the final 2005 review of the water quality standards for the seven Colorado River Basin states. For more information, contact Jack Barnett at (801)292-4663. The final review is available at <http://www.coloradoriversalinity.org/2005%20Review%20October.pdf>.

WASTE INFORMATION:

ADOPTION OF FEDERAL RCRA RULES – The DEQ is redrafting amendments to its hazardous waste regulations and adopting federal RCRA rules adopted through June 30, 2001. The amendments include: the Military Munitions Rule; Phase IV land disposal restrictions; used oil management standards; an exclusion from the definition of waste material for fuels produced from a hazardous waste which are comparable to some currently used fossil fuels; flexibility to issue a post-closure permit to a facility or impose the same regulatory requirements through an order or other enforceable documents; hazardous remediation waste management requirements; extension of universal waste rule for lamps to all used lamps containing hazardous substances and not just mercury-containing waste; and mixed waste management. The DEQ anticipates that final EQC consideration of the rule will occur in early summer 2006. For more information, contact Paige Smith at (307) 777-8759.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on February 13, 2006 and ended March 10, 2006. For information on the legislative session, link: <http://legisweb.state.wy.us>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Water	SF 53	Senator John Schiffer (R) Representative Rosie Berger (R)	Proposes to provide for best management practices to be applied to effluent standards.	Failed introduction 2/16/06	2/13/06			Bill did not pass
Waste	SF 38	Senate Minerals, Business & Economic Development Committee	Proposes to provide for the integration of solid waste management planning by municipal governments.		2/14/06	2/27/06	3/9/06	Governor signed 3/24/06
Land Use	HB 52	Representative Tom Walsh (R) Senator Stan Cooper (R)	Proposes to authorize the purchase of real property by the State of Wyoming near the area of Camp Guernsey, Wyoming in order to increase the capabilities of Camp Guernsey as a military training ground for the Wyoming National Guard and to prevent public or private encroachment that may inhibit future military use. Provides an appropriation for purchase of said land.	Failed introduction 2/15/06	2/13/06			Bill did not pass
	SF 103	Senator John Schiffer (R)	Proposes to allow for judicial review of regulatory agency action pertaining to eminent domain.		2/17/06			Bill did not pass

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